

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA, )  
Plaintiff, ) No. 3:06-CR-59  
V. ) (PHILLIPS/SHIRLEY)  
WILLIAM JOSEPH MOYERS, JR. )  
Defendant. )

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This cause came before the undersigned on January 4, 2007, for a motion hearing on Defendant Moyers's *Pro Se* motion [Doc. 27] and Motion To Review Attorney-Client Status Pending Appeal [Doc. 25], filed by Attorney Jonathan Moffatt. Assistant United States Attorney Tracy Stone appeared on behalf of the government. Attorney Jonathan Moffatt was present representing Defendant Moyers, who was also present.

At the hearing, the Court questioned Mr. Moffatt and Defendant Moyers in order to determine the extent of any conflict between them. Without going into the confidential and private nature of the conversations shared between them, Mr. Moffatt stated that Defendant was upset with the outcome of his sentencing on December 14, 2006, and indicated to Mr. Moffatt that he desired to raise issues on appeal related to the Mr. Moffatt's performance. This, in turn, prompted Mr. Moffatt to file the Motion To Review Attorney-Client Status [Doc. 25] on Defendant's behalf. However, Mr. Moffatt further represented to the Court that he had recently spoken with Defendant

and that Defendant now wished to withdraw his *Pro Se* motion [Doc. 27]. Thus, Mr. Moffatt made an oral motion to withdraw the Motion To Review Attorney-Client Status Pending Appeal [Doc. 25]. Defendant Moyers, likewise, confirmed that he wished to withdraw his *Pro Se* motion [Doc. 27] and stated that he desired to have Mr. Moffatt remain as counsel of record for him in this matter.

In light of the representations made by Defendant and Mr. Moffatt, the Court **GRANTS** Defendant Moyers's oral motion to withdraw his *Pro Se* motion [Doc. 25] and the Motion To Review Attorney-Client Status Pending Appeal [Doc. 27] and, thus, both motions [**Docs. 25 and 27**] are hereby **DENIED as moot**.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge